

PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Show-Mean Wu et al. Confirmation No.: 3414
Serial No.: 10/637,142 Examiner: LoAn H. Thanh
Filing Date: August 8, 2003 Group Art Unit: 3763
Docket No.: 1001.1684101 Customer No.: 28075
For: CATHETER SHAFT FOR REGULATION OF INFLATION AND DEFLATION

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REQUEST FOR REFUND UNDER 37 C.F.R. § 1.26(b)

CERTIFICATE FOR ELECTRONIC TRANSMISSION:

The undersigned hereby certifies that this paper or papers, as described herein, are being electronically transmitted to the U.S. Patent and Trademark Office on this 31st day of March 2008.

By Kathleen L. Boekley
Kathleen L. Boekley

Dear Sir:

Applicants have reviewed the March 24 2008 charge of \$1,050 for this application which appears on the Monthly Statement of Deposit Account for March 2008. The fee code on the Statement indicates fees for three months of extension. However, Applicants assert that no extension fees were due.

Pursuant to MPEP § 706.07(f), "if the reply is filed within the 2 months of the date of the final Office action, the shortened statutory period will expire at 3 months from the date of the final rejection or on the date the advisory action is mailed, whichever is later," and is further explained "If the examiner, however, does not mail an advisory action until after the end of the 3-month period, the shortened statutory period will expires on the date the examiner mails the

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advisory action and any extension of time fee would be calculated from the mailing date of the advisory action."

A Final Office Action was issued on August 28, 2007. A two-month response was filed on October 25, 2007. A Notice of Appeal was filed on February 28, 2008. No Advisory Action or other paper responsive to Applicants' two-month reply had been issued by the Examiner by the time the Notice of Appeal was filed. Therefore at the time of filing the Notice of Appeal, for purposes of fees, Applicants were not in an extension period. Accordingly, no extension fees were due, and Applicants hereby request that Deposit Account 50-0413 be credited in the amount of \$1,050.

Respectfully submitted,
Show-Mean Wu et al.
By their Attorney,

Date: March 31, 2008

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